THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.17383 of 2005

Between:

Konda Balaiah

.. Petitioner

and

The Revenue Divisional Officer and another

.. Respondents

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.17383 of 2005

ORDER:

This writ petition is filed to declare the action of the respondents in restraining and attempting to dispossess the petitioner from the peaceful possession and enjoyment of the land admeasuring Ac.3.62 cents in Sy.No.1274/2 of Munnelli village in B.Kodur Mandal, Kadapa District, as illegal and arbitrary.

It is the case of the petitioner that he was granted DKT Patta for the above said land on 22.08.1991, and since then he has been in uninterrupted possession of the said land and subsequently he was issued pattedar passbook and title deeds. While so, the first respondent issued a notice on 14.06.2005 informing the petitioner to be present before him on 20.06.2005 for enquiry stating that the land, which he is in possession, belongs to one Rampathoti Ramaian and others. Accordingly, he appeared before the first respondent on 20.06.2005 and submitted the original records pertaining to the land and the enquiry was postponed to 27.06.2005. Thereafter he submitted a letter on 27.07.2005 along with relevant documents. But, so far no orders have been passed.

Heard both the counsel.

In view of the facts and circumstances of the case, as the first respondent is not proceeding with the enquiry, the writ petition is disposed of with a direction to the respondents to pass final orders on the enquiry, in accordance with law, keeping in view the explanation dated 27-07-2005 of the petitioner and also after giving an opportunity of being heard to him, within a period of 12 weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed not to evict the petitioner from the land in question. There shall be no order as to costs.

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08.08.2005

kdl